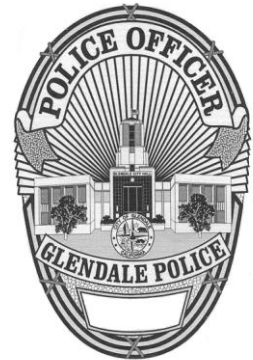


GLENDALE POLICE DEPARTMENT

Carl Povilaitis, Interim Chief of Police

TRAINING ORDER



TRAINING ORDER

2018 - 02

February 1, 2018

SB 395 – Mandatory Legal Counsel for Juveniles 15 Years Old and Younger

Introduction

Effective January 1st, 2018, Senate Bill 395 added section 625.6 to the Welfare and Institutions Code (WIC). The law provides special protections to juveniles who are 15 years old and younger. Specifically, the law requires that a youth 15 years of age or younger consult with legal counsel prior to a custodial interrogation and before waiving any Miranda rights. Except in limited circumstances, a law enforcement officer will NOT be allowed to accept a Miranda waiver and conduct a custodial interrogation of such a minor unless the minor has first consulted with an attorney.

The new law requires a court in adjudicating statements of a youth 15 years or younger, made during or after a custodial interrogation, to consider the effect of failure to comply with the consultation of legal counsel requirement.

Procedure

Juveniles 15 years old and younger *must* consult with an attorney *prior* to any *custodial interrogation* and *before* the *waiver* of Miranda rights. The consultation must occur in person, by telephone, or by video conference, and it may *not* be waived.

An exception to the above requirements exists when an officer reasonably believes there is an imminent threat to life or property, the information sought is necessary to protect said life or property, and the questions are limited to what is reasonably necessary to obtain that information.

In response to this new legal counsel requirement, the Los Angeles County Public Defender will provide telephonic advisements to juveniles 15 and under, 24 hours a day/7 days a week. Public Defender attorneys can be reached at (213) 974-3002 during regular business hours (Monday to Friday, 0730 hrs to 1730 hrs). At all other times, attorneys can be reached by dialing (213) 974-1234 for the County Operator.

Officer's Responsibilities

- All sworn personnel who detain or take into custody a juvenile 15 years of age or younger shall advise him/ her of his/her constitutional rights per 625 WIC, whether or not they intend to question the subject.
- If a custodial interview is desired, the juvenile shall also be informed that he or she must consult with legal counsel in person, by telephone, or by video conference prior to the custodial interview and before waiving his/her rights. The assistance of the Public Defender may be offered if the juvenile does not have his or her own attorney.
- Officers shall document that they advised the juvenile of his or her rights in their report. Officers shall also document if an attorney was consulted in person, by telephone, or by video conference, and whether a custodial interrogation was sought/completed.
- If exigent circumstances existed and no admonishment was given, officers shall document the specific circumstances in their report.

Gladys R. (26 PC requirements)

- If a juvenile under 14 years of age is suspected of committing a crime, the juvenile shall not be asked any questions from the *Gladys R.* questionnaire unless he or she has been advised of his or her constitutional rights and has consulted legal counsel per 625.6 WIC.